

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
CONDITIONAL USE PERMIT REPORT (#FCU-21-15)
MKR MCDERMOTT LANE LLC
DECEMBER 20, 2021

I. GENERAL INFORMATION

A. Project Description

This is a report to the Flathead County Board of Adjustment regarding a request from MKR McDermott Lane, LLC for a conditional use permit for a 'Recreational Facility' on the subject property. The property is located within the Highway 93 North Zoning District and is zoned 'AG-40 Agricultural'.

B. Application Personnel

1. Owner

MKR McDermott Lane, LLC
1655 Spectrum Drive
Lawrenceville, GA 30043

2. Applicant

Morrison-Maierle
1050 Mount Avenue
Missoula, MT 59801

C. Process Overview

1. Land Use Advisory Committee/Council

The proposed land use is located within the advisory area of the Riverdale Land Use Advisory Committee (RLUAC). The RLUAC will conduct a public hearing on the proposed conditional use permit on December 20, 2021 at 6:30 P.M. in the Second Floor Conference Room of the South Campus Building located at 40 11th Street West in Kalispell, MT. A recommendation from the RLUAC will be forwarded to the Flathead County Board of Adjustment for their consideration.

Update December 21, 2021

On December 20, 2021, the Riverdale Land Use Advisory Committee conducted a public hearing on the proposed conditional use permit. After staff presentation, applicant presentation, and opportunity for public comment, the Committee voted 3-0 to adopt the staff report as Findings of Fact and to forward a recommendation of approval. Details of the Committee's actions and the adopted Findings of Fact and Conditions of Approval are included on the attached addendum to this report.

2. Board of Adjustment

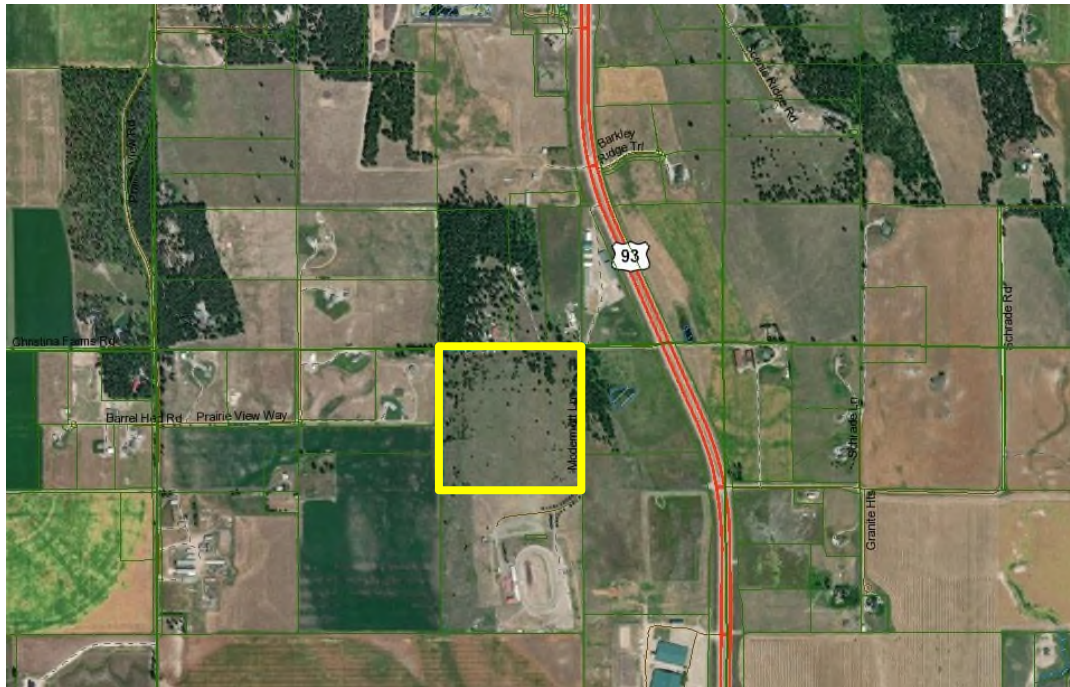
The Flathead County Board of Adjustment will conduct a public hearing on the proposed conditional use permit on January 4, 2022 at 6:00 P.M. in the Second Floor Conference Room of the South Campus Building located at 40 11th Street West in Kalispell, MT. Documents pertaining to this file are available for public inspection in the Flathead County Planning and Zoning Office, located on the second floor of the South Campus Building.

II. PROPERTY CHARACTERISTICS

A. Property Location and Size

The subject property is located along McDermott Lane near Kalispell, MT (see Figure 1 below). The property is approximately 40 acres and can be legally described as the Northwest Quarter of the Northeast Quarter of Section 12, Township 29 North, Range 22 West, P.M.M., Flathead County, Montana.

Figure 1: Subject property (outlined in yellow)



B. Existing Land Use(s) and Zoning

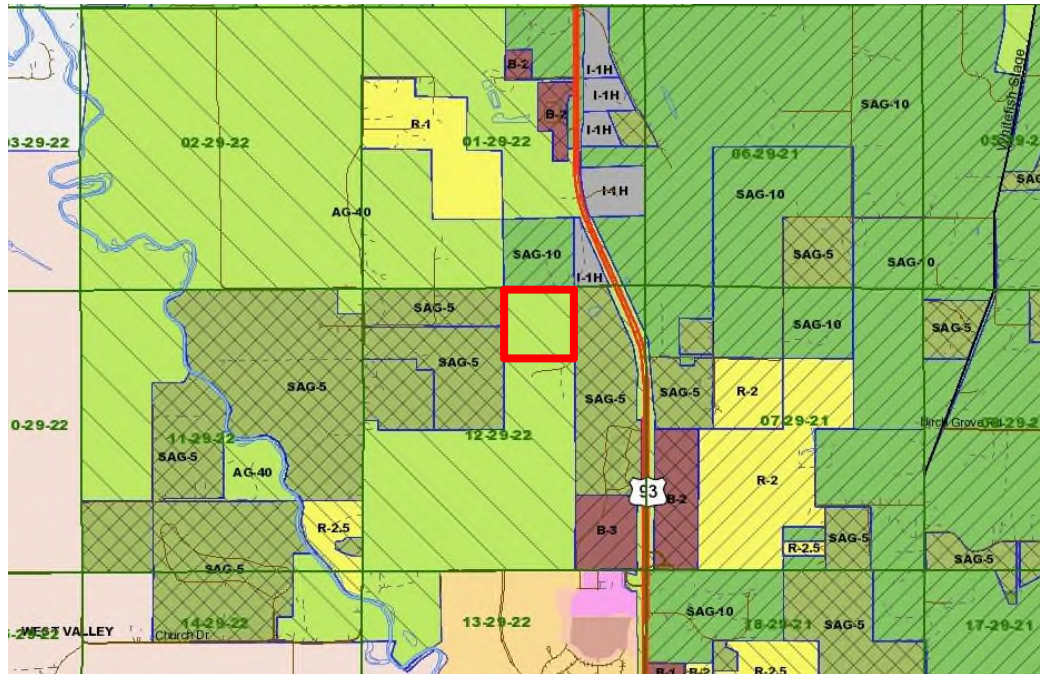
The property is located within the Highway 93 North Zoning District and is zoned ‘AG-40 Agricultural’. The property is currently undeveloped.

The AG-40 zoning classification is defined in Section 3.05 of the Flathead County Zoning Regulations (FCZR) as, “*A district to protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development.*”

C. Adjacent Land Use(s) and Zoning

The subject property is located along McDermott Lane, near the Highway 93 corridor and approximately 0.75 miles north of the City of Kalispell. The adjacent surrounding properties are zoned AG-40, SAG-10, SAG-5, and I-1H (see Figure 2 below). The property directly to the south is currently developed as a motorsports facility, the properties to the east and southeast contain an equestrian facility, the property to the northeast contains warehouses, and the properties to the north and west are a mixture of residential and agricultural uses.

Figure 2: Zoning surrounding the subject property (outlined in red)



D. Summary of Request

The applicant is requesting a conditional use permit to allow for a ‘Recreational Facility’ pursuant to Section 3.05.030(18) of the Flathead County Zoning Regulations (FCZR). The use of property for a recreational facility in the AG-40 zone requires the issuance of a conditional use permit, the review of which is subject to specific guidelines set forth under Section 2.06.080 FCZR regarding criteria for the issuance of a conditional use permit.

According to Section 8.17.040 FCZR, a Recreational Facility is defined as, “A structure or use of property not otherwise listed in these regulations to accommodate the enjoyment, healthful activities, and leisure of the facility’s users. Such a use may be enclosed by walls and roof (indoor) or an open-air (outdoor) arrangement.” Section 4.15 FCZR outlines applicable conditional use standards for recreational facilities and states, “Due to the diverse nature of the potential recreational facilities that may be proposed or developed in the planning jurisdiction, no specific standards are established. However, proposed uses that must obtain a Conditional Use Permit may be reviewed subject to a number of criteria. These criteria may include, but are not limited to, traffic generation, parking availability, impact on surrounding uses, landscaping, noise generation, and accessibility. Mitigation strategies for the possible impacts of recreational facilities that must obtain a Conditional Use Permit may be submitted with the permit application materials.”

The application states, “The Ridge Run Baseball project is a multi-purpose Recreational Facility developed to support an expansion team in the Pioneer League, a Professional Partner league with Major League Baseball. The project is currently in design and construction with entitlements and permitting conducted in accordance with state and local building codes and regulations. The Pioneer League season is approximately four months long beginning the middle of May and running through the middle of September with an anticipated schedule of 48 home games.

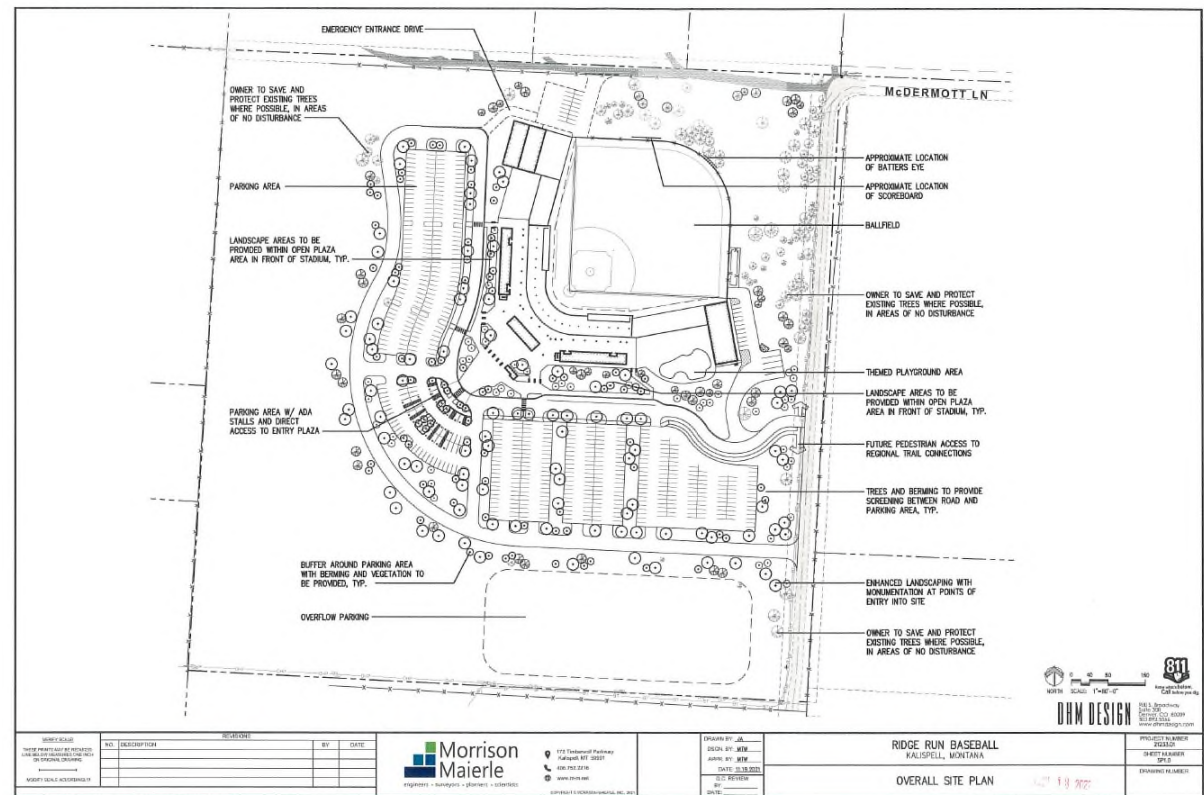
The baseball stadium and support facilities will have a capacity for 3545 spectators. This multi-purpose recreational complex is envisioned by the owners, MKR McDermott Lane, LLC, as a venue for hosting, in addition to the Pioneer League games, Little League, American Legion and

High School baseball tournaments, concerts, theatrical productions, trade shows, farmers markets and other recreation-based sporting events and similar public events. The venue could also host private events such as receptions, conventions, birthday parties, holiday parties and itinerate telecommuting within the concourse buildings. The Owner also anticipates operating the restaurant-bar throughout the year. Although not a part of this Conditional Use Permit Application (CUP), future development of the 40-acre parcel is planned to include compatible residential and commercial development. MKR McDermott Lane, LLC will process Rezone, Planned Unit Development and Subdivision applications in the future, as necessary, to develop the balance of the 40-acre parcel.

The primary focus of this application is to permit an operational Recreational Facility in an AG-40 zone in accordance with Flathead County Zoning Regulations *Section 3.05.030.18 Conditional Uses (AG-40) – Recreational Facility* in time for a planned May 2022 opening. See also *Section 4.15 Recreational Facility*. The balance of this CUP application is devoted to addressing how the merits of this project, and how the Ridge Run Stadium Project, complies with the section of the Flathead County Zoning Regulations identified above and with the ‘Conditional Use Standards’ and ‘Performance Standards’ in Sections 4 and 5 of the Flathead County Zoning Regulations, respectively.”

Based on the application and submitted site plan, the outdoor baseball stadium would be located in the northeast portion of the property and would include several concourse buildings, a variety of seating, food venues including a restaurant and bar, locker rooms, a playground, and plazas. A looped road would provide access from McDermott Lane to several parking lots surrounding the stadium. Landscaping buffers and berms are proposed throughout the development (see Figure 3 below).

Figure 3: Site plan



III. COMMENTS

A. Agency Comments

1. Agency referrals were sent to the following agencies on November 24, 2021:
 - Bonneville Power Administration
 - Flathead City-County Health Department – Environmental Health Services
 - Flathead County Road and Bridge Department
 - Flathead County Solid Waste District
 - Flathead County Weeds & Parks Department
 - Montana Department of Transportation
 - West Valley Fire District
2. The following is a summarized list of agency comment received as of the date of the completion of this staff report:
 - Bonneville Power Administration
 - Comment: “At this time, BPA does not object to this request, as the property is located approximately 3.45 miles away from the nearest BPA transmission lines or structures.” Email received November 24, 2021
 - Flathead County Solid Waste District
 - Comment: “[...] After reviewing the application, the Solid Waste District views no negative impact with solid waste issues at this time.

The District requests that all solid waste generated at the proposed location be hauled by a private hauler. Evergreen Disposal is the licensed (PSC) Public Service Commission Licensed hauler in this area. Their business phone number is 406-758-5773.” Letter received November 30, 2021
 - Flathead County Road and Bridge Department
 - Comment: “[...] After completing our review, we have the following input. The applicant states a Traffic Impact Study (TIS) will be performed but is not available until early 2022. There is concern with the ability for the McDermott Lane/Highway 93 intersections ability to handle the volume of traffic during events. A second ingress/egress at Schrade Road or south to Church Drive from the facility is noted but stated may not be needed until further development occurs. The applicant states that ‘event management signage and traffic control measure are anticipated as being necessary on event days.’ It is difficult to provide comment on these issues without reviewing the TIS for the project.” Letter received December 1, 2021
 - Montana Department of Transportation
 - Comment: “[...] Please see our following comments:
 - MDT is concerned with the impact new development will have on the highway system. The number of additional vehicular trips the development will generate is the specific concern.
 - Approaches to the highway system should be kept to a minimum to help facilitate safe traffic flow along US 93 by reducing conflict points.

- As property continues to develop, there should be planning to sustain or reduce the number of existing approaches by providing for a roadway network west of US 93 to facilitate traffic movements.
- In order to preserve the capacity and safety of the US 93 corridor, the installation of new traffic signals would not be appropriate mitigation of traffic impacts from land use changes along the corridor.

A connection to Church Drive may allow for traffic impacts to be mitigated with access to US 93 via the Jr. Interchange. In conclusion, MDT would like the opportunity to review the traffic impact study when available. In the meantime, this request will be sent to MDT's Systems Impact so the process can begin as well." Email received December 10, 2021

B. Public Comments

1. Notification was mailed to property owners within 150 feet of the subject property on December 15, 2021, pursuant to Section 2.06.040(3) of the Flathead County Zoning Regulations. Legal notice of the public hearing on this application was published in the December 19, 2021 edition of the Daily Interlake.
2. Public Comments Received
As of the date of the completion of this staff report, no written public comment has been received regarding the requested conditional use permit. It is anticipated any individual wishing to provide public comment on the proposal will do so during the public hearing. Any written comments received following the completion of this report will be provided to the Board and summarized during the public hearing.

IV. CRITERIA REQUIRED FOR CONSIDERATION

Per Sections 2.06.080 and 2.06.100 of the Flathead County Zoning Regulations, what follows are criteria required for consideration of a Conditional Use Permit and suggested findings of fact based on review of each criterion.

A. Site Suitability

1. Adequate Usable Space

The subject property is 40 acres and is zoned AG-40 which has a permitted lot coverage of 20%. According to the application and supplemental information, the structures would have a floor area of 70,727 square feet (1.63 acres), which would cover approximately 4.1% of the lot.

The setback requirements within the AG-40 zone are 20 feet from the front, side corner, side, and rear property lines for the principal structure. An additional setback of 20 feet is required from streams, rivers, and unprotected lakes which do not serve as property boundaries. According to the site plan, the proposed structures would meet the setback requirements.

The maximum height requirement within the AG-40 zone is 35 feet for non-agricultural buildings. According to the elevation drawing, the concourse buildings would measure 28 feet 9 inches in height from the undisturbed ground level at the perimeter of the buildings.

Based upon staff's site visit and the application materials, it appears the subject property has adequate usable space to accommodate the proposed structures.

Finding #1 – The subject property appears to have adequate useable space for the proposed recreational facility because the structures would meet the applicable bulk and dimensional requirements of the AG-40 zone.

2. Adequate Access

The subject property is currently accessed from McDermott Lane via Highway 93. McDermott Lane is a County-maintained road within a 40-foot-wide easement. According to the County's Interactive Mapping Application (IMA), McDermott Lane is a gravel road. However, the application states the roadway is paved.

The application states, "Access to the Ridge Run Baseball project is provided by McDermott Lane, a 24-foot-wide paved county road, within a 40-foot wide right-of-way. McDermott Lane connects to an unnamed North-South 24-foot-wide paved private road providing direct access to the project site. McDermott Lane intersects US 93 approximately 0.25 miles north of Schrade Rd, and 1 mile north of Church Dr. There is also a two-lane all-weather gravel surfaced road along the north boundary of the Recreational Facility – an extension of McDermott Lane road alignment. Access to the Recreational Facility is provided by a loop road with two access points on the unnamed North-South Access Road. Refer to Site Plan. The Flathead County Sheriff's Department has requested that an emergency access road be provided into the site off the gravel extension of McDermott Lane. A 20-foot-wide all-weather surface emergency access road will be constructed on the north portion of the site.

US 93 at McDermott Lane is a divided roadway with two 12-foot northbound lanes and southbound lanes, 12-foot left turn lanes, 10-foot outside shoulders, 6-foot inside shoulders with a variable grassy median 30-feet wide at the intersection. There are no dedicated acceleration/deceleration lanes at the intersection. No improvements are anticipated to be necessary for the Ridge Run Stadium phase, although event management signage and traffic control measures are anticipated as being necessary on event days." The application also states a Traffic Impact Study (TIS) is currently being prepared. A technical memorandum was submitted with the application.

Comments received from the Flathead County Road and Bridge Department and the Montana Department of Transportation (MDT) indicated concerns regarding traffic at the McDermott Lane approach onto Highway 93, and both agencies stated they need to review the TIS once it is prepared. The applicant would be required to obtain updated approach permits from the Flathead County Road Department and MDT. If a connection to Church Drive is required, an approach permit from the City of Kalispell would be required.

Finding #2 – Although the subject property has legal and physical access via McDermott Lane, updated approach permits would be required from the Flathead County Road and Bridge Department, the Montana Department of Transportation, and the City of Kalispell, as applicable, and roadway improvements could be required to provide adequate access for the proposed recreational facility.

3. Absence of Environmental Constraints

The application states, "There are no known environment constraints within the site. The site is a relative high point compared to surrounding areas and consists of a rolling post-glacial terrain with grassy vegetation and clusters of evergreen trees. There are no structures, wells or other improvements on the site apart from the paved North-South access road along the east edge of the parcel. There are no known soil conditions that will compromise the development of the Ridge Run Stadium and appurtenant facilities."

According to FEMA Flood Insurance Rate Map (FIRM) Panel 30029C1415J, the property is within the unshaded Zone X, which is an area determined to be outside the 0.2% annual chance flood. There are no wetlands, streams, rivers, or lakes on the property.

Finding #3 – The subject property appears absent of environmental constraints because it does not contain mapped floodplain, wetlands, streams, rivers, lakes, or steep slopes.

B. Appropriateness of Design

1. Parking Scheme

The application states, “The parking lot size and layout has been designed to accommodate the spectators, the home and visiting teams, officials, staff and employees where the stadium is routinely at or below 50% capacity. Separate parking for the home and visiting teams are provided together with bus parking near the visiting team parking lot. Double-sided access to each parking pod is provided via a continuous stadium loop road. Spectators are directed to the central entrance with sidewalks, crosswalks and signage. ADA accessible parking is in the center parking pod, nearest the entrance. The design provides for direct ADA-compliant access minimizing conflicts with vehicular traffic. On those occasions where additional parking is needed due to capacity or near capacity events, onsite areas for overflow parking have been designated. The Owner envisions that open-ended event management planning will address and resolve spectator ingress, egress, and parking questions as they arise. See site plan for parking layout.”

Per Section 6.06.070 FCZR, stadiums, special arenas and similar open assemblies require 1 parking space per 5 seats or 1 space for every 100 square feet of assembly space without seats, whichever is greater. Section 6.01.010(5) FCZR states up to ten percent (10%) of the required parking may be met with bus parking for uses listed as recreational areas. Additional parking standards outlined in Chapter 6 FCZR require a parking space for standard vehicles to measure 9 feet by 20 feet and all parking spaces must be clearly designated and demarcated. Since the proposed stadium would contain 3,545 seats, a total of 709 parking spaces would be required. The site plan indicates 930 parking spaces would be located onsite.

Finding #4 – The parking design appears adequate for the proposed recreational facility because 930 parking spaces would be provided onsite which exceeds the minimum parking space requirement for a stadium.

2. Traffic Circulation

The subject property is currently accessed from McDermott Lane via Highway 93. McDermott Lane is a paved, public road within a 40-foot-wide easement. Additionally, an unnamed gravel road within a 20-foot-wide private easement extends from McDermott Lane along the northern property line.

Per Section 6.16 FCZR, one access shall be allowed for each 200 feet of frontage, the minimum distance between accesses shall be 100 feet, all accesses onto County roads require approval by the Flathead County Road Department, and roadways shall be a minimum of 20 feet in width for two-way traffic. The site plan indicates a proposed 24-foot-wide, paved, looped road would provide access to the onsite parking areas. The road would have two approaches onto McDermott Lane along the eastern property line, plus an emergency service access along the northern property line.

The application states, “Recreational Facility traffic will access the site from the intersection of McDermott Lane with US 93, travel west along McDermott Lane to the unnamed paved North-South access road. Two access points from the interior loop road are provided off the

North-South access road. In the future one of these access points may be aligned with Schrade Rd. The 'Stadium Loop Road' has been designed to function as a two-way road system but can be signed as a one-way loop road for event purposes, thereby reducing conflicts between vehicles and pedestrians. In both cases the roadways are designed with passenger-side drop-off and loading areas. Specific event management plans may be required to improve traffic flow, reduce pedestrian-vehicle conflicts and to manage the entrance and exit traffic off US 93. This project provides for the safe and efficient movement of traffic through the site on paved local roads and thus furthers Goal 12 of the Riverdale Neighborhood Plan – Transportation.

Future development of the 40-acre parcel may trigger the need for a second access to US 93 at Schrade Lane. See the (TIS) scoping document in the appendix, prepared for the Ridge Run Baseball project by Kittelson and Associates.”

As previously stated, comments received from the Flathead County Road and Bridge Department and MDT indicated concerns regarding traffic at the McDermott Lane approach onto Highway 93, and both agencies stated they need to review the Traffic Impact Study once it is prepared. Based on the site plan, it appears the proposal would provide adequate internal traffic circulation. However, offsite roadway improvements may be required to provide adequate traffic circulation from Highway 93.

Finding #5 – Internal traffic circulation would be adequate for the proposed recreational facility because an internal road would provide access throughout the site and comply with the roadway standards, however, it appears offsite roadway improvements may be required to provide adequate traffic circulation to and from the subject property.

3. Open Space

The application states, “The site development, in addition to the recreational facility itself, will set aside areas for landscaping and open space, serving the greater development.”

The permitted lot coverage for the AG-40 zone is 20%. The subject property is 40 acres in size. According to the submitted floor plans, the structures would have a floor area of 70,727 square feet (1.63 acres), which would cover approximately 4.1% of the lot. Based upon staff’s site visit and the application materials, it appears the subject property has adequate open space.

4. Fencing/Screening

The application states, “The Ridge Run Baseball Stadium project does not envision fencing for the first phase of this development other than the stadium fencing for both the playing surface and the ticketed and non-ticketed areas. Future development may result in fencing along the residential component. Fencing to protect the sanitary sewer drainfield areas may also prove necessary. Onsite decorative fencing may also be installed to direct fans to seating and to provide fall protection along grade changes.” The site plan indicates trees and berms would provide partial screening along the road and surrounding the parking areas.

The zoning regulations do not require fencing or screening for recreational facilities; however, screening could mitigate potential impacts on surrounding properties, which is discussed in the applicable sections of this report. All fencing would be required to comply with Section 5.04 FCZR. There are no height limitations for fences within the AG-40 zone.

5. Landscaping

As previously stated, the subject property primarily contains grassy vegetation with clusters of evergreen trees throughout. The application states, “Site landscaping is being designed to

augment existing site features and enhance the built environment thereby creating an attractive site that the spectators and public will find inviting. Landscaping will also promote the collection, treatment and disposal of site storm water. As of the date of this Conditional Use Permit submittal, the Owner and the design team, are continuing to develop the design concepts and layout of the landscaping, irrigation and stormwater systems.” The site plan indicates existing trees will be preserved where possible and additional trees and landscaping are proposed throughout the site.

The zoning regulations do not require landscaping for recreational facilities; however, landscaping could mitigate potential impacts on surrounding properties, which is discussed in the applicable sections of this report.

6. Signage

The subject property currently has no signage. The application indicates signage is proposed for the parking areas and roadways, including temporary event management signage. All signage would be required to comply with the signage standards set forth in Chapter 7 of the Flathead County Zoning Regulations.

7. Lighting

The application states, “There will be several layers of lighting for this project. Modern LED lighting will be employed for the playing field and pedestrian areas. There may be a mix of lighting types in and around the buildings. The advantages of the LED lighting are 1) the lights do not need a warm-up period as with the large stadium lighting comprised of sodium or halogen elements and 2) the lumens (brightness) are adjustable. Lights can be quickly cycled on to coincide with the event then the brightness dimmed during after-game maintenance activities.

Lighting will be shielded to reduce light pollution by keeping the light on the site. The brightness can also be modulated and the lights turned off when the event is over. There will need to be security lighting year-round; every effort will be made [to] incorporate best management practices to reduce light pollution while providing a reasonable level of security and site safety.”

All exterior lighting would be required to comply with the lighting performance standards set forth in Section 5.12 FZCR so as to minimize impacts to surrounding properties.

Finding #6 – The proposed recreational facility appears appropriately designed because the majority of the property would remain open space, no additional landscaping is required, and all fencing, signage, and lighting would be required to comply with the zoning regulations.

C. Availability of Public Services and Facilities

1. Sewer

The application states, “A public Subsurface Wastewater Treatment System (SWTS) is designed to collect and treat wastewater from the recreational facility.” No comment was received from Environmental Health regarding the proposal. The applicant would be required to obtain all necessary permitting from Environmental Health and the Department of Environmental Quality, prior to operation of the recreational facility.

2. Water

The application states, “The recreational facility will be served by an on-site transient non-community public water system that includes a public well, storage tanks, and a booster pump.” No comment was received from Environmental Health regarding the proposal. As

previously stated, the applicant will be required to obtain all necessary permitting from Environmental Health and the Department of Environmental Quality prior to operation of the recreational facility.

3. Storm Water Drainage

The application states, “This recreational facility will result in an increase in impervious surfaces and thus an increase in stormwater runoff. Stormwater management facilities are being designed in accordance with Montana DEQ Circular 8 to mitigate the increase in surface runoff. Stormwater management will rely upon grading to convey stormwater to vegetated swales and detention areas where infiltration into the soil will attenuate the peak runoff. Vegetative barriers, detention and infiltration are the principal tools used in a Best Management Practices stormwater management approach. Lastly, native vegetation and trees will be saved where possible, reducing the total impervious or disturbed areas.” The applicant would be required to obtain all necessary permitting for storm water drainage from the Montana Department of Environmental Quality.

Finding #7 – Sewer, water, and storm water drainage services and facilities appear adequate to serve the proposed recreational facility because the property would be served by a public wastewater treatment system, a public water system, and stormwater management facilities, and the applicant would be required to obtain all necessary permitting from Environmental Health and the Department of Environmental Quality.

4. Fire Protection

The subject property is located within the West Valley Fire District and would be served by the West Valley Fire Department, which is located approximately 9 driving miles southwest of the property on Farm to Market Road, or the West Valley Fire Department Fire Station 2, which is located approximately 3.6 driving miles southeast of the property on Whitefish Stage. The property is located within the Wildland Urban Interface (WUI).

The application states, “[...] The building construction is being designed with 2-hour fire walls and the kitchen area will have a separate hood fire protection system negating the requirement for an automatic fire sprinkler system in the premium bar/restaurant kitchen areas.

The facility is in an area where adequate and reliable water supply systems do not exist and as such the facility will be reviewed by the West Valley Fire and Rescue District, the authority having jurisdiction (AHJ). The buildings and public areas of the recreational facility are being designed in accordance with the best fire prevention practices using fire-resistant building materials, clearly signed evacuation pathways and designated meeting areas outside of the recreational facility. The AHJ will review the facility and determine if any additional fire suppression or construction features will be required following NFPA 1142 Standard on Water Supplies for Suburban and Rural Fire Fighting.”

No comment was received from the West Valley Fire District regarding the proposal. The applicant would be required to obtain all necessary state building permits for the proposal.

5. Police Protection

The subject property is located in an unincorporated area of the County and is therefore served by the Flathead County Sheriff’s Office. Acceptable response times are anticipated in the event of an emergency due to the property’s location in an urbanized area of the County and close proximity to Highway 93. The application indicates event security would be

employed and event management plans would be implemented to address crowd and traffic control.

Finding #8 – The subject property appears to have adequate availability of public services for the proposed recreational facility because the property is served by the West Valley Fire District and the Flathead County Sheriff’s Office, acceptable response times are anticipated for emergency services due to the property’s location in a relatively urbanized area of the County, the applicant would be required to obtain all necessary state building permits, and event security and event management plans are proposed to address crowd and traffic control.

6. Streets

The subject property is currently accessed from McDermott Lane via Highway 93. McDermott Lane is a paved, public road within a 40-foot-wide easement. Highway 93 is a paved, four-lane, MDT-maintained highway. Additionally, an unnamed gravel road within a 20-foot-wide private easement extends from McDermott Lane along the northern property line.

Finding #9 – The subject property appears to have adequate availability of streets for the proposed recreational facility because the property is accessed via McDermott Lane, which is a paved, public road within a 40-foot wide easement.

D. Immediate Neighborhood Impact

1. Excessive Traffic Generation

Primary access to the subject property would be from McDermott Lane, which is a paved, public road within a 40-foot-wide easement. The application indicates a Traffic Impact Study (TIS) is currently in the process of being prepared for the proposed recreational facility. A technical memorandum, prepared by Kittelson & Associates, was submitted with the application, which contains a project description, estimated trip generation and distribution, analysis scenarios and study assumptions, and analysis tools. The memorandum states, “The proposed minor league baseball stadium is planned to have approximately 3,545 seats. Additionally, the stadium will have 60 employees plus trips from the home and away team players and coaches. The home team typically has some carpooling between players and the away team arrives by bus. This study assumed 2.5 as the vehicle occupancy factor for the attendee traffic (Reference 2). At full capacity, there would be 3,545 attendees in addition to employees, players, and coach resulting in 1,442 vehicle trips $[(3,545+60)/2.5]$.”

Using the data shown in Table 1, Kittelson assumed that the average ticket sales would be approximately 50% per game. Acknowledging that not all the sold tickets end up being present in the stadium (due to suites, sponsorships, season ticket holders, etc.), it was assumed that the average attendance percentage of the proposed stadium would be 45.0%. with this assumption, the average capacity is estimated at 1,655 $[(0.45*3,545)+60]$ attendees resulting in 662 vehicle trips.”

As previously stated, comments received from the Flathead County Road and Bridge Department and MDT indicated concerns regarding traffic at the McDermott Lane approach onto Highway 93, and both agencies stated they need to review the TIS once it is prepared. The applicant would be required to obtain updated approach permits from the Flathead County Road Department and MDT. If a connection to Church Drive is required, an approach permit from the City of Kalispell would be required. Given the need for a TIS, and the fact that the recreational facility could be utilized for a wide range of events in addition to baseball

games, the proposal could potentially result in excessive traffic generation for the existing road system.

Finding #10 – Traffic generated by the proposed recreational facility could have an impact on the immediate neighborhood because written comments from the Flathead County Road and Bridge Department and the Montana Department of Transportation indicated concerns regarding the McDermott Lane approach onto Highway 93, and emphasized the need for a Traffic Impact Study to be completed.

2. Noise or Vibration

The application states, “An increase in noise is expected on game nights and during other scheduled events. MKR McDermott Lane, LLC and the design team are working to mitigate noise through several different measures:

- a. Grading: The playing field is being cut into the site with the stadium promenade at existing ground level and the inclined stadium seating facing generally northeast away from most neighboring properties. The backdrop beyond the outfield fence is comprised of rising ground with existing mature trees. The combination of the stadium being cut into the site, the redirected spectator noise and the retention of mature trees serve to dampen and redirect noise away from adjoining properties. [...]
- b. Landscaping: Existing mature stands of conifers are being retained where possible helping to screen the site and deaden noise to the greatest extent possible. [...]
- c. Hours of Operation: There is an expectation that reasonable hours of operation will apply to this project. There is also an understanding that unpredictable circumstances may shift the start of end of individual event outside those hours of operation.”

Although the proposed recreational facility has been designed to mitigate noise, it is probable some noise would be heard on neighboring properties. For example, the application indicates some events would include fireworks. Since the subject property is located near the Highway 93 corridor and adjacent to an outdoor motorsports facility, some noise generated by the recreational facility could be considered acceptable within certain hours of operation. Baseball games would be limited to several months each year and would likely end by 10:30 P.M. However, since the applicant is proposing to utilize the recreational facility for a wide variety of events, a condition of approval requiring hours of operation could be needed to mitigate impacts from noise and vibration.

Finding #11 – The noise and vibration generated by the proposed recreational facility would likely impact the immediate neighborhood because a wide variety of events could be held at the outdoor recreational facility, however, conditions of approval requiring hours of operation could mitigate the impacts.

3. Dust, Glare or Heat

The application indicates the proposed use is not anticipated to generate dust, glare or heat. While some dust is anticipated during construction activities, the resulting impacts will be limited in duration. The primary access road is paved, and the site plan indicates the proposed internal road and some of the parking areas would be paved.

4. Smoke, Fumes, Gas, or Odors

The application states, “There are two times during the life of this project when the Ridge Run Stadium could contribute to the production of gas, smoke and odors. The first is during construction. Contractors, in complying with State and Local regulations, are required to mitigate their impacts on the aerial environment.

The second is the occasional use of legal aerial fireworks to celebrate holidays or other events, generating loud intermittent noise and smoke for a strategically limited timeframe. MKR McDermott Lane, LLC recognizes that there will be temporary increases in noise and smoke from fireworks events and they intend to mitigate these impacts through advance scheduling of limited duration during events.” The modest amount of smoke, gas, fumes, and odors generated by the recreational facility would be consistent with and no more intrusive than those created by commercial uses on surrounding properties such as the motorsports facility on the adjacent property to the south.

Finding #12 – The proposed recreational facility is anticipated to have a minimal impact on the immediate neighborhood because dust, glare, heat, smoke, fumes, gas, and odors are not anticipated to be out of character with the setting, and the roadways would be paved.

5. Inappropriate Hours of Operation

The application states, “Hours of operation for the minor league baseball games at Ridge Run Stadium will generally run from 6 pm to 12 pm with games generally starting at 7 pm and ending around 10 or 10:30 pm. The Pioneer League season is relatively short therefore games could be played on any night during the season. Ridge Run Baseball could also host Little League, American Legion or High School baseball games and tournaments. These games may be held on the weekends or before the Pioneer League night games. Therefore, games could be played beginning as early as 8 am. Other events such as trade shows or conventions could also begin as early as 8am. In addition to the above-described uses, MKR McDermott Lane, LLC plans to operate the restaurant-bar throughout the year with the hours of operation generally being from 5 pm to 10 pm daily.”

Since the applicant is proposing to utilize the recreational facility for a wide variety of events, a condition of approval requiring hours of operation might be necessary to mitigate impacts from noise. Staff would recommend, if approved, a condition requiring all non-baseball events to end no later than 11:00 P.M.

Finding #13 – The hours of operation, with the imposition of conditions, are anticipated to have an acceptable impact on the surrounding neighborhood because they would limit noise to hours that are relatively consistent with the surrounding commercial uses.

V. SUMMARY OF FINDINGS

1. The subject property appears to have adequate useable space for the proposed recreational facility because the structures would meet the applicable bulk and dimensional requirements of the AG-40 zone.
2. Although the subject property has legal and physical access via McDermott Lane, updated approach permits would be required from the Flathead County Road and Bridge Department, the Montana Department of Transportation, and the City of Kalispell, as applicable, and roadway improvements could be required to provide adequate access for the proposed recreational facility.
3. The subject property appears absent of environmental constraints because it does not contain mapped floodplain, wetlands, streams, rivers, lakes, or steep slopes.
4. The parking design appears adequate for the proposed recreational facility because 930 parking spaces would be provided onsite which exceeds the minimum parking space requirement for a stadium.
5. Internal traffic circulation would be adequate for the proposed recreational facility because an internal road would provide access throughout the site and comply with the roadway standards,

however, it appears offsite roadway improvements may be required to provide adequate traffic circulation to and from the subject property.

6. The proposed recreational facility appears appropriately designed because the majority of the property would remain open space, no additional landscaping is required, and all fencing, signage, and lighting would be required to comply with the zoning regulations.
7. Sewer, water, and storm water drainage services and facilities appear adequate to serve the proposed recreational facility because the property would be served by a public wastewater treatment system, a public water system, and stormwater management facilities, and the applicant would be required to obtain all necessary permitting from Environmental Health and the Department of Environmental Quality.
8. The subject property appears to have adequate availability of public services for the proposed recreational facility because the property is served by the West Valley Fire District and the Flathead County Sheriff's Office, acceptable response times are anticipated for emergency services due to the property's location in a relatively urbanized area of the County, the applicant would be required to obtain all necessary state building permits, and event security and event management plans are proposed to address crowd and traffic control.
9. The subject property appears to have adequate availability of streets for the proposed recreational facility because the property is accessed via McDermott Lane, which is a paved, public road within a 40-foot wide easement.
10. Traffic generated by the proposed recreational facility could have an impact on the immediate neighborhood because written comments from the Flathead County Road and Bridge Department and the Montana Department of Transportation indicated concerns regarding the McDermott Lane approach onto Highway 93, and emphasized the need for a Traffic Impact Study to be completed.
11. The noise and vibration generated by the proposed recreational facility would likely impact the immediate neighborhood because a wide variety of events could be held at the outdoor recreational facility, however, conditions of approval requiring hours of operation could mitigate the impacts.
12. The proposed recreational facility is anticipated to have a minimal impact on the immediate neighborhood because dust, glare, heat, smoke, fumes, gas, and odors are not anticipated to be out of character with the setting, and the roadways would be paved.
13. The hours of operation, with the imposition of conditions, are anticipated to have an acceptable impact on the surrounding neighborhood because they would limit noise to hours that are relatively consistent with the surrounding commercial uses.

VI. CONCLUSION

Upon review of this application, the request to allow for a recreational facility on the subject property is generally supported by the review criteria and the Findings of Fact listed above. Should the Flathead County Board of Adjustment choose to adopt staff report FCU-21-15 as Findings of Fact and approve the conditional use permit, the following conditions would ensure compliance with the review criteria and appropriate measures to mitigate impacts:

VII. CONDITIONS OF APPROVAL

1. The recreational facility shall be in substantial conformance with the application materials and site plan as submitted and approved by the Board of Adjustment and modified by the conditions below [FCZR Section 2.06.010].
2. Changes or modifications to the approved use or the site plan shall not be affected unless specifically approved in writing by the Flathead County Board of Adjustment [FCZR Section(s) 2.06.010 and 2.06.020].
3. The recreational facility shall be located in accordance with the minimum bulk and dimensional requirements of the AG-40 zoning designation, pursuant to Section 3.05.040 of the Flathead County Zoning Regulations.
4. All required parking and circulation associated with the recreational facility shall meet the applicable design guidelines set forth in Chapter 6 of the Flathead County Zoning Regulations [FCZR Chapter 6].
5. The applicant shall obtain approach permits from the Flathead County Road and Bridge Department, the Montana Department of Transportation, and the City of Kalispell, as applicable. A copy of the approved permits shall be submitted to Flathead County Planning and Zoning prior to the expiration date of this permit.
6. Fencing on the subject property shall adhere to the performance standards set forth in Section 5.04 of the Flathead County Zoning Regulations.
7. Signage on the subject property shall adhere to the standards set forth in Chapter 7 of the Flathead County Zoning Regulations.
8. Lighting on the subject property shall adhere to the performance standards set forth in Section 5.12 of the Flathead County Zoning Regulations.
9. The proposed water, wastewater treatment, and stormwater drainage systems for the recreational facility shall be reviewed and approved by the Flathead City-County Health Department and the Montana Department of Environmental Quality, as applicable.
10. The applicant shall adhere to all applicable State commercial building requirements as required by the Montana Department of Labor and Industry.
11. All non-baseball events shall be restricted to the hours between 8:00 A.M. to 11:00 P.M.
12. At the end of twelve (12) months from the date of authorization of this permit staff will inspect to verify compliance [FCZR Section 2.06.060]. Prior to operating the recreational facility, all the above conditions are required to be met.
13. The conditional use permit shall terminate twelve (12) months from the date of authorization if commencement of the activity has not begun, unless the applicant can demonstrate and maintain a continuous effort in good faith in commencing the activity. [FCZR Section 2.06.060].

Planner: EA